

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WILLIAM ANTHONY FAGNES,)	
)	
Plaintiff,)	
)	
v.)	2:04-CV-755-RDP
)	
FEDERAL BUREAU OF INVESTIGATION,)	
)	
Defendant.)	

MEMORANDUM OF OPINION

This is a civil action pursuant to 42 U.S.C. § 1983 filed by the plaintiff, William Anthony Fagnes. In his *pro se* complaint, the plaintiff names as defendant the Federal Bureau of Investigation. The plaintiff claims that his right to due process of law was violated by the defendant when his 1996 Jeep Grand Cherokee and \$6100.75 in United States currency was seized and subsequently forfeited. The plaintiff claims the forfeiture notices were untimely, constitutionally defective, and so deficient in content that he was unable to take advantage of the administrative procedures and remedies available to him. As compensation for the alleged constitutional violations, the plaintiff seeks monetary and injunctive relief. The defendant filed a motion for summary judgment.

On March 3, 2005, the magistrate judge entered a report and recommendation, recommending that the defendant's motion for summary judgment be granted. No objections have been filed by either party.

Having carefully reviewed and considered *de novo* all the materials in the file, including the report and recommendation, the court is of the opinion that the magistrate judge's findings of fact

and conclusions of law are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**.

Accordingly, the court **EXPRESSLY FINDS** that there are no genuine issues of material fact showing defendant Federal Bureau of Investigations violated the plaintiff's right to due process of law by seizing and subsequently forfeiting plaintiff's 1996 Jeep Grand Cherokee and \$6100.75 in United States currency. Therefore, the defendant's motion for summary judgment is due to be granted as a matter of law.

An appropriate order will be entered.

DONE and **ORDERED** this 30th day of March, 2005.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE